

HOUSE BILL NO. 536

INTRODUCED BY CALLAHAN, WHEAT, RIPLEY, MCNUTT, PARKER, BRUEGGEMAN, CROMLEY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO THE USER SURCHARGE FOR COURT INFORMATION TECHNOLOGY; ~~REMOVING~~ EXTENDING ~~REMOVING~~ THE TERMINATION OF THE SURCHARGE; PROVIDING FOR THE DEPOSIT OF THE SURCHARGE IN THE STATE GENERAL FUND TO BE USED FOR FUNDING COURT INFORMATION TECHNOLOGY; REQUIRING THE SUPREME COURT ADMINISTRATOR TO REPORT TO THE LEGISLATURE ON THE STATUS OF JUDICIAL BRANCH INFORMATION TECHNOLOGY AND TO COORDINATE WITH THE STATE STRATEGIC INFORMATION TECHNOLOGY PLAN; AMENDING ~~SECTION~~ SECTIONS 3-1-317 AND 3-1-702, MCA, ~~AND SECTION 5, CHAPTER 498, LAWS OF 2003~~; REPEALING SECTION 3-5-904, MCA, ~~AND SECTION 5, CHAPTER 498, LAWS OF 2003~~, AND SECTION 5, CHAPTER 498, LAWS OF 2003; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-1-317, MCA, is amended to read:

"3-1-317. ~~(Temporary)~~ (TEMPORARY) User surcharge for court information technology -- exception.

(1) Except as provided in subsection (2), all courts of original jurisdiction shall impose:

(a) on a defendant in criminal cases, a \$10 user surcharge upon conviction for any conduct made criminal by state statute or upon forfeiture of bond or bail;

(b) on the initiating party in civil and probate cases, a \$10 user surcharge at the commencement of each action, proceeding, or filing; and

(c) on each defendant or respondent in civil cases, a \$10 user surcharge upon appearance.

(2) If a court determines that a defendant in a criminal case or determines pursuant to 25-10-404 that a party in a civil case is unable to pay the surcharge, the court may waive payment of the surcharge imposed by this section.

(3) The surcharge imposed by this section is not a fee or fine and must be imposed in addition to other taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of any court.

(4) The amounts collected under this section must be forwarded to the department of revenue for deposit in the ~~account established in 3-5-904~~ state general fund to be used for state funding of court information

technology. (~~Terminates June 30, 2005--sec. 5, Ch. 498, L. 2003.~~) (TERMINATES JUNE 30, 2009.)"

~~SECTION 2. SECTION 5, CHAPTER 498, LAWS OF 2003, IS AMENDED TO READ:~~

~~"Section 5. Termination. [This act] terminates June 30, 2005-2009."~~

SECTION 2. SECTION 3-1-702, MCA, IS AMENDED TO READ:

"3-1-702. Duties. The court administrator is the administrative officer of the court. Under the direction of the supreme court, the court administrator shall:

(1) prepare and present judicial budget requests to the legislature, including the costs of the state-funded district court program;

(2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature on request;

(3) report annually to the law and justice interim committee and at the beginning of each regular legislative session report to the house appropriations subcommittee that considers general government on the status of development and procurement of information technology within the judicial branch, including any changes in the judicial branch information technology strategic plan and any problems encountered in deploying appropriate information technology within the judicial branch. The court administrator shall, to the extent possible, provide that current and future applications are coordinated and compatible with the standards and goals of the executive branch as expressed in the state strategic information technology plan provided for in 2-17-521.

~~(3)(4)~~ recommend to the supreme court improvements in the judiciary;

~~(4)(5)~~ administer legal assistance for indigent victims of domestic violence, as provided in 3-2-714;

~~(5)(6)~~ administer state funding for district courts, as provided in chapter 5, part 9;

~~(6)(7)~~ administer the judicial branch personnel plan; and

~~(7)(8)~~ perform other duties that the supreme court may assign."

NEW SECTION. Section 3. Repealer. Section 3-5-904, MCA, and ~~section 5, Chapter 498, Laws of 2003, are~~ IS AND SECTION 5, CHAPTER 498, LAWS OF 2003, ARE repealed.

NEW SECTION. Section 4. Effective date. [This act] is effective June 28, 2005.

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